

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:)	Group Art Unit: 3751
)	
BALL)	Examiner: Robert M. Fetsuga
)	
Serial No.: 10/732,726)	Confirmation No.: 2017
)	
Filed: December 10, 2003)	<u>DECLARATION OF BILL CARLSON</u>
)	<u>PURSUANT TO 37 C.F.R. §1.131</u>
Atty. File No.: 5564-152)	
)	
For: <i>"Method and Apparatus for</i>)	
<i>Assembling and Sealing Bathtub</i>)	
<i>Overflow and Waste Water Ports"</i>)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Bill Carlson declare as follows:

1. I am currently employed as a designer and drafter by WCM Industries, Inc., which has an interest in the instant application. WCM Industries, Inc. is comprised of Woodford Manufacturing ("Woodford") that manufactures and sells yard hydrants, wall hydrants and wall faucets and WATCO Manufacturing ("Watco") that manufactures and sells bath drains and bathtub products.

2. This Declaration is being submitted in connection with prosecution activities for the instant application. More specifically, this Declaration is submitted pursuant to 37 CFR § 1.131 in response to an Office Action dated April 15, 2010 in which U.S. Patent No. 6,192,531 to Fritz et al. ("Fritz") having a filing date, and effective prior art date, of December 1, 1999, was cited under 35 USC § 103(a) in combination with other references as rendering various claims obvious.

3. Upon information and belief, in early November 1999, Mr. William T. Ball discussed the apparatus of Claim 21, the method of Claim 11, Claim 24, which was originally called the Schedule 40 Overflow Elbow that later was known as the "Innovator", and the assembly of Claim 24 with me.


4. Upon information and belief, Mr. Ball asked me to model and draw the invention and portions thereof, including, a threaded elbow, a wheel or flange nut and a cover plate.

5. Upon information and belief, the first concept drawings were completed by me on December 7, 1999. Exhibit A is an annotated copy of engineering drawings I provided to Mr. Ball where my initials "BC" may be found near the date shown on the drawing. For example, Exhibit A shows the lugs and membrane contemplated by some embodiments of the invention

6. Upon information and belief, I recall these events because WCM Industries was in the process of taking steps to upgrade the Computer Aided Design System, which occurred in 2000.

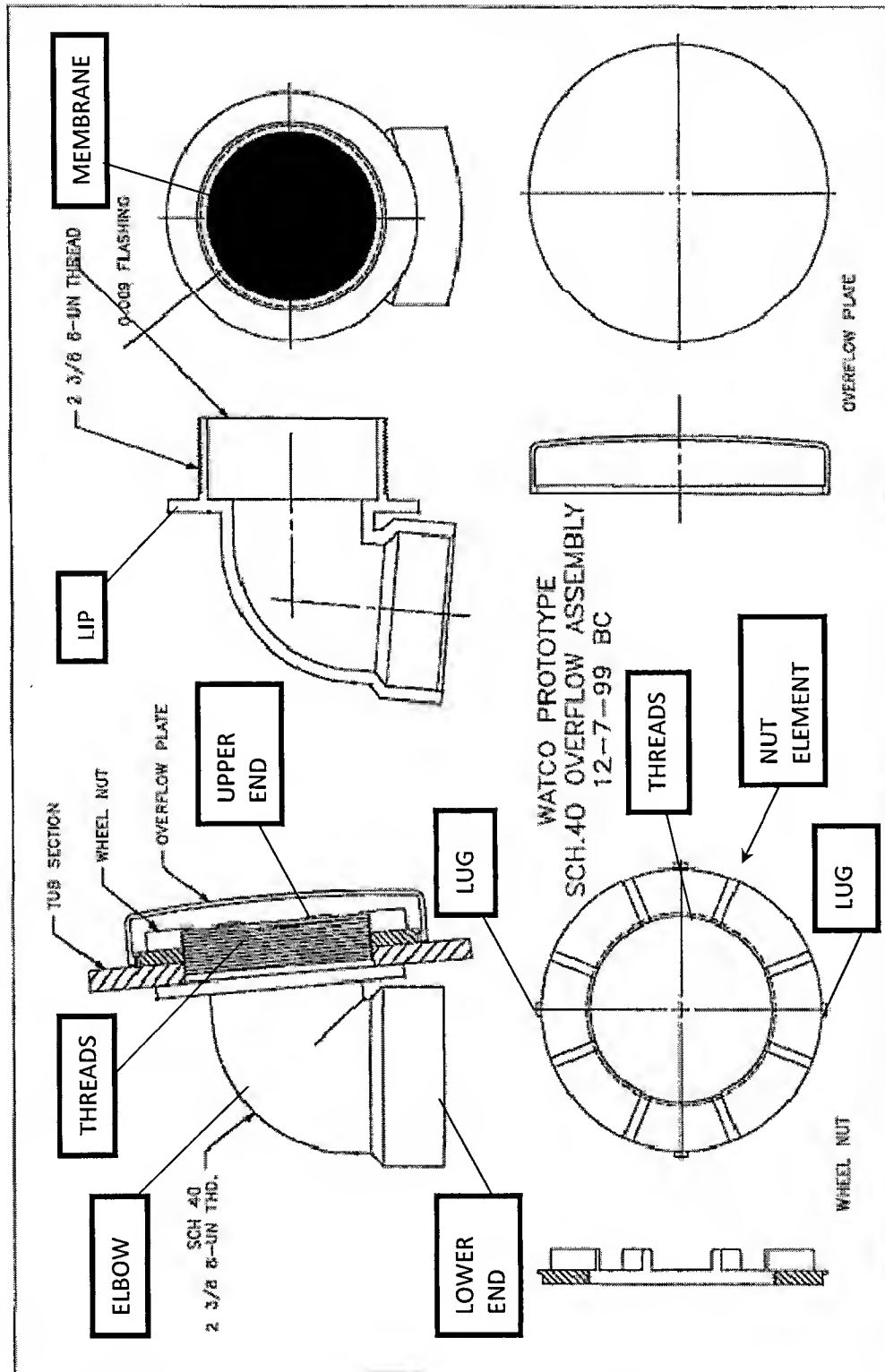
7. Upon information and belief, embodiments of the present invention were refined and alternate embodiments were modeled and drawn. Exhibit B is provided to show one alternative embodiment of the present invention that was invented at least about February of 2000.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like, so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the subject application or any patent issuing thereon.

By: 
Bill Carlson

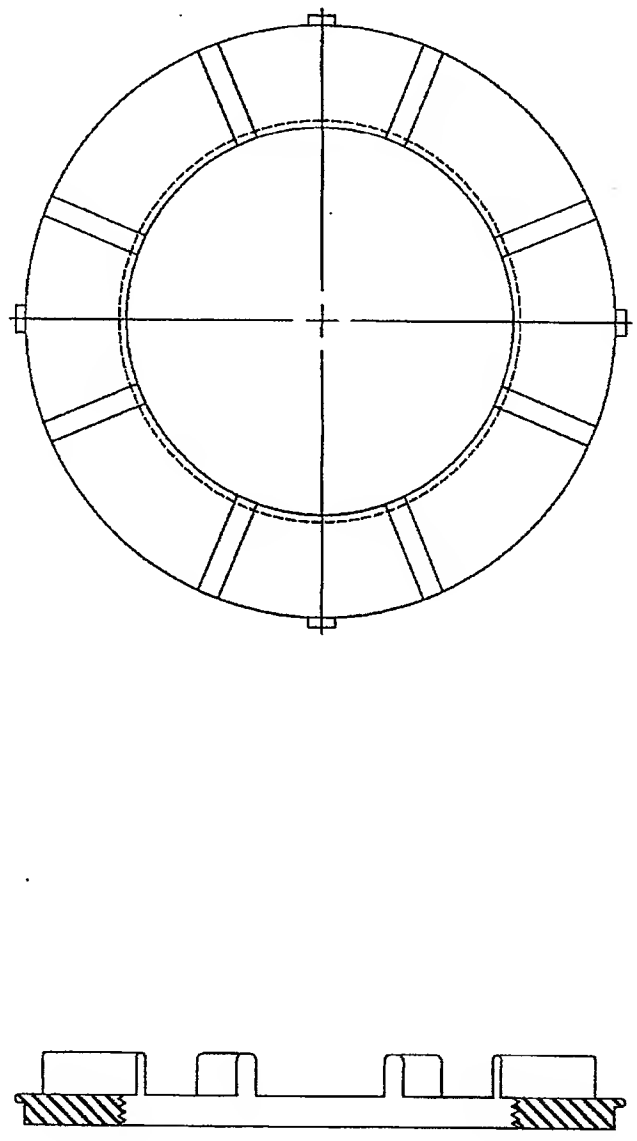
Date: 9-13-10

Exhibit A



NAME		WHEEL NUT		SCALE		1:1		WATCO MFG. CO.		PART NO.		WO_0003	
FOR		SCH. 40 OVERFLOW (PROTOTYPE)		TOLERANCE UNLESS SPECIFIED		DRAWN		REVISION		BY		DATE	
MAT'L		X		DECIMALS		± .010		BC		E.C.		XXXX 12-7-99	
				THREE PLACE		± .003							
				FRACTIONS		± 1/64							
				ANGLES		± 1/2°							
				SURFACE TEXTURE		63							

WCM INDUSTRIES, INC.
 COLORADO SPRINGS, COLORADO



OVERFLOW PLATE

FOR SCH. 40 OVERFLOW (PROTOTYPE)

MAT'L X

WCM INDUSTRIES, INC.
COLORADO SPRINGS, COLORADO

UNLESS SPECIFIED

DECIMALS ± .010
TWO PLACE
THREE PLACE ± .003
FRACTIONS ± 1/64
ANGLES ± 1/2°
SURFACE TEXTURE 63

1:1



WCM

NO.

WU_UUU4

REASON	BY	CH	E.C.	DATE
DRAWN	BC		XXXX	12-7-99
A				
B				
C				
D				

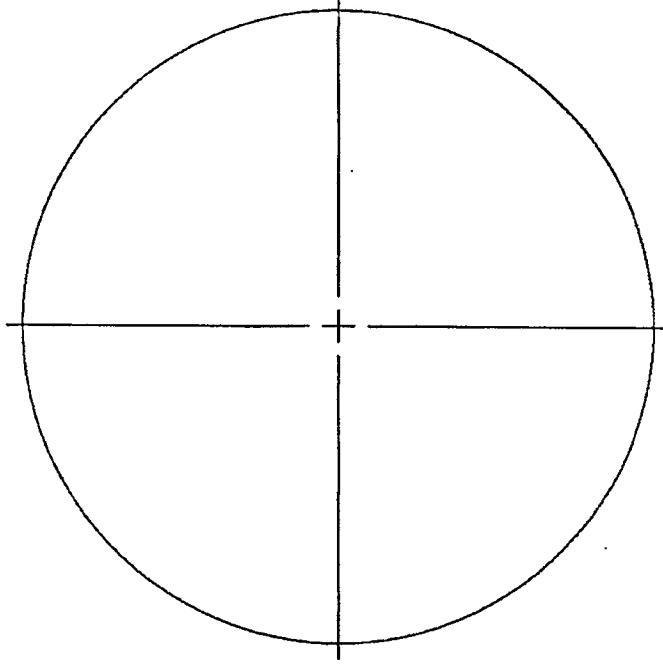
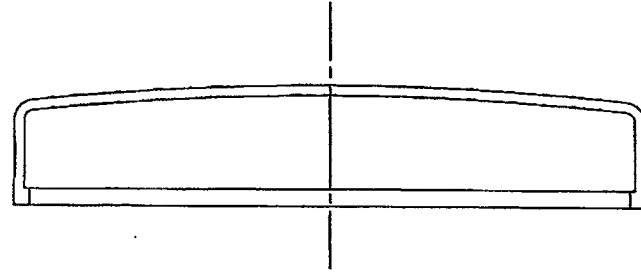
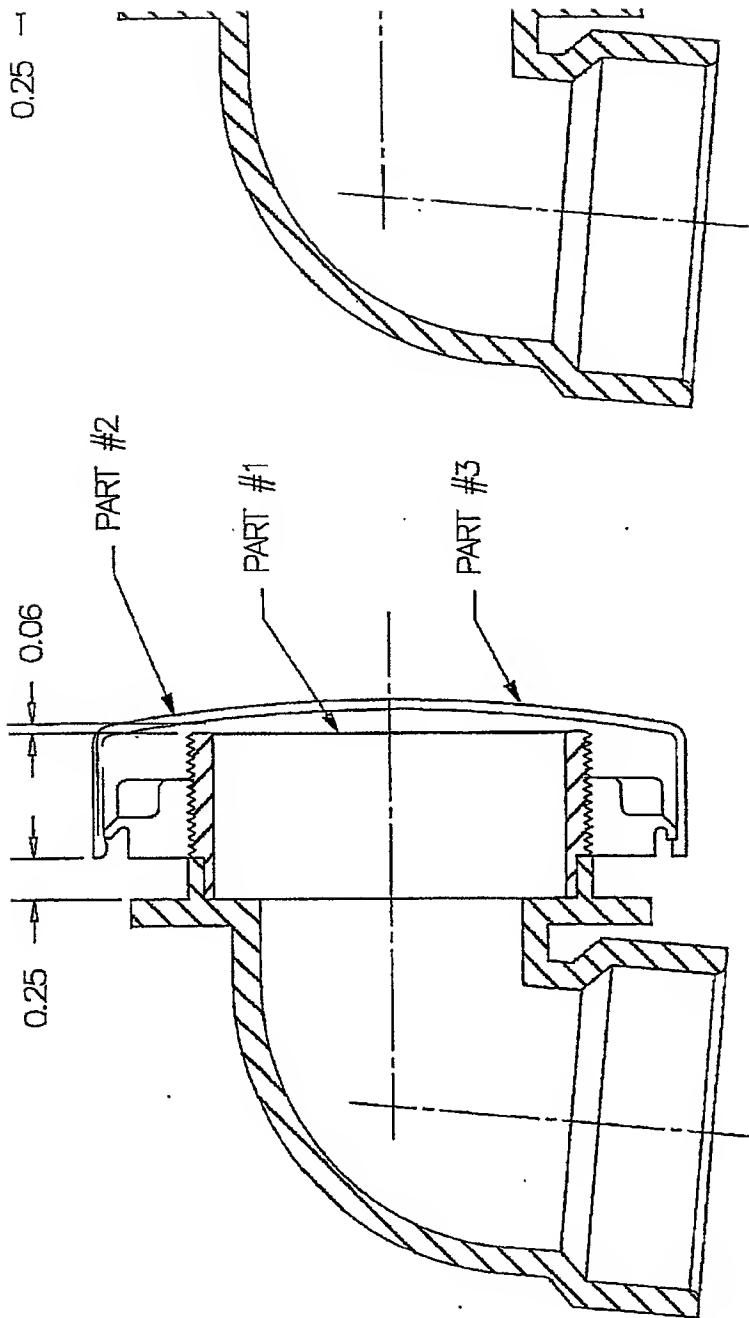
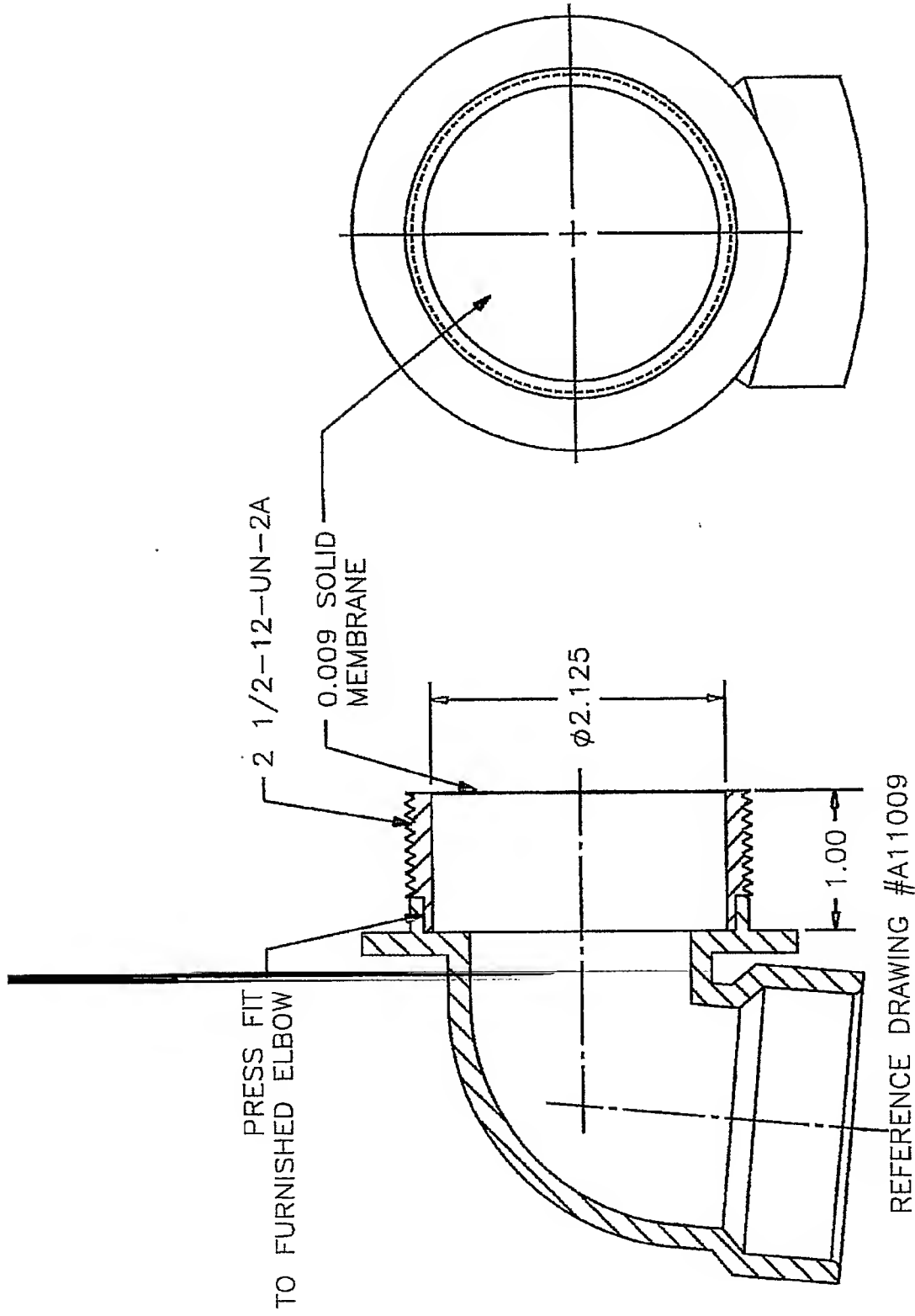


Exhibit B

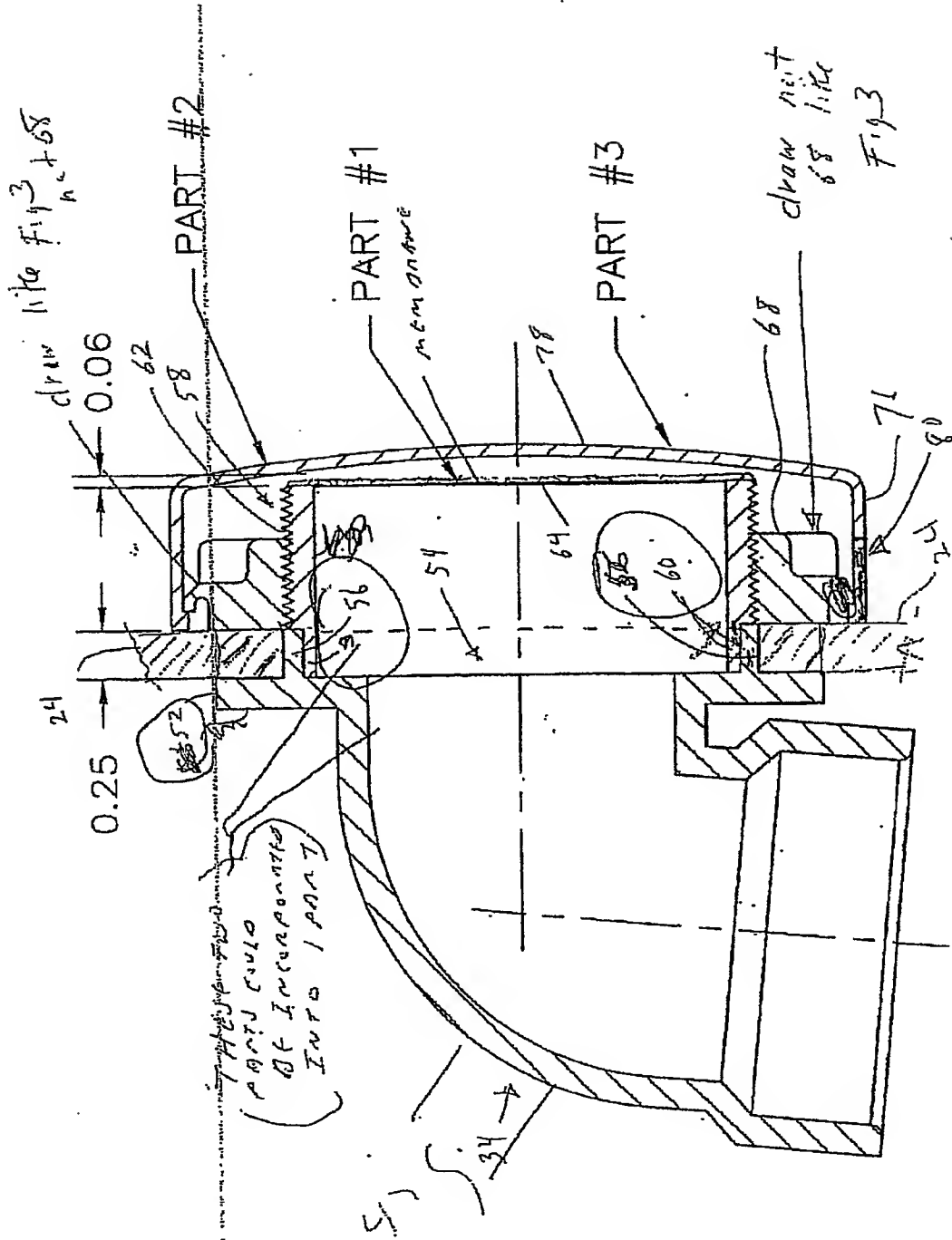


WATCO
OVERFLOW ELBOW PROTOTYPE
2/9/2000 bc

OVERFLOW
2/9/



WOODFORD
PART #1
2/14/00



WATCO
OVERFLOW ELBOW PROTOTYPE

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